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Note verbale dated 31 Ma 16 from the Permanent Mission of Japan to the United Na addressed to the Chair of the Committee

The Permanent Mission an to the United Nations has the honour to submit a report to the Counc suant to paragraph 40 of Security Council resolution 2270 (2016) (see ann

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Annex to the note verbale dated 31 May 2016 from the Permanent Mission of Japan to the United Nations addressed to the Chair of the Committee

Report to the Security Council pursuant to paragraph 40 of Council resolution 2270 (2016)

1. The basic position of Japan

The nuclear test by the Democratic People's Republic of Korea on 6 January 2016 and its subsequent ballistic missile launches, including the one on 7 February 2016, are, as clearly expressed by the Prime Minster of Japan, Shinzo Abe, in his statements, totally unacceptable as they constitute direct and grave threats to Japan's security and seriously undermine the peace and security of North-East Asia and the international community. The Prime Minister also stressed that the nuclear test and the ballistic missile launches are clear violations of relevant Security Council resolutions and represent a grave challenge to the authority of the Council and to the international disarmament and non-proliferation regime centred on the Nuclear Non-Proliferation Treaty.

Security Council resolution 2270 (2016), which contains a very tough set of sanctions against the Democratic People's Republic of Korea, is of great significance because it embodies the international community's resolute stance against the Democratic People's Republic of Korea, which has forced through violations, including the launch of a ballistic missile on 7 February and the nuclear test on 6 January. The resolution also highlights Member States' gravest concern over the continued development of the nuclear and ballistic missile programmes of the Democratic People's Republic of Korea. The Government of Japan reiterates that it is extremely important that each Member State swiftly and fully implement the resolution in close coordination with other States to ensure its effectiveness.

Japan has been steadily undertaking measures to implement Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), and strongly urging the Democratic People's Republic of Korea to take concrete actions towards the resolution of outstanding issues of concern, such as the nuclear, missile and abductions issues.

The Government of Japan reaffirms that it will continue to cooperate closely with the Security Council Committee established pursuant to resolution 1718 (2006), as well as the Panel of Experts established pursuant to resolution 1874 (2009), and will contribute to their work.

2. Measures with regard to resolution 2270 (2016)

The Government of Japan has taken the measures set out below to implement resolution 2270 (2016), as well as the newly introduced autonomous measures set out in section 3 of the present report, in addition to Japan's existing measures against the Democratic People's Republic of Korea, which it has already reported to the Security Council (see S/AC.49/2006/10, S/AC.49/2009/7 and S/AC.49/2013/7).

(1) Financial measures:

Paragraph 10:

- The Government of Japan has introduced measures based on the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1948) to prevent the transfer of any financial resources to and from the 16 individuals and the 12 entities designated in annexes I and II to resolution 2270 (2016) (effective on 11 March 2016).

Paragraph 32:

- The Government of Japan, in coordination with other Member States, will designate financial assets and economic resources owned or controlled by entities or individuals related to the Government of the Democratic People's Republic of Korea and the Workers' Party of Korea as subjects of the asset freeze based on the Foreign Exchange and Foreign Trade Act, if it is determined that such financial assets and economic resources are associated with the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other activities prohibited under resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016).

Paragraphs 33, 34 and 35:

- In accordance with resolutions 2094 (2013) and 2270 (2016), banks of the Democratic People's Republic of Korea do not have any existing branches, subsidiaries or representative offices in Japan, nor do financial institutions in Japan maintain correspondent relationships with banks of the Democratic People's Republic of Korea.

- The Government of Japan announced on 11 March 2016 that it would deny, on the basis of the Banking Act (Act No. 59 of 1981), an application for a banking licence to open a branch, a subsidiary or a representative office in Japan by banks of the Democratic People's Republic of Korea, or an application by Japanese financial institutions to open a branch, a subsidiary or a representative office in the Democratic People's Republic of Korea.

- On 11 March 2016, the Government of Japan also formally requested financial institutions in Japan to refrain from any activities prohibited in paragraphs 33 and 34.

- No violation or negligence by Japanese organizations has been observed.

Paragraph 36:

- The Government of Japan had already introduced, on the basis of the Foreign Exchange and Foreign Trade Act, measures to prevent the provision of financial services that could contribute to the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other activities prohibited under the relevant resolutions before the adoption of resolution 2270 (2016).

Paragraph 37:

- The Government of Japan had introduced measures based on the Foreign Exchange and Foreign Trade Act to prevent the transfer of precious metal, including gold, that could contribute to the nuclear or ballistic missile

programmes of the Democratic People's Republic of Korea or other activities prohibited under the relevant resolutions before the adoption of resolution 2270 (2016).

- On top of that, the Government of Japan had banned exports and imports of precious metal, including gold, to and from the Democratic People's Republic of Korea, irrespective of its purpose.

Paragraph 38:

- The Government of Japan has appropriately implemented targeted financial sanctions related to proliferation, in compliance with Security Council resolutions.

(2) Measures concerning the movement of persons:

Paragraph 11:

- The Government of Japan has introduced measures to prevent entry into Japan and transit through the Japanese territory of the 16 individuals who were designated in annex I to resolution 2270 (2016) for their relations with the nuclear or ballistic missile programmes or other programmes relating to weapons of mass destruction of the Democratic People's Republic of Korea (effective on 11 March 2016), on the basis of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951).

Paragraphs 13 and 14:

- The Government of Japan will expel non-Japanese individuals, in accordance with applicable national legislation, including the Immigration Control and Refugee Recognition Act, if it is determined that the individual is working on behalf of or at the direction of a designated individual or entity, or individuals assisting the evasion of sanctions or violating the provisions of the relevant resolutions.

Paragraph 15:

- The Government of Japan, if necessary, will take appropriate measures in accordance with applicable national legislation to close the representative offices of designated entities and prohibit designated entities and individuals or entities acting on their behalf or at their direction from participating in joint ventures or any other business arrangements.

(3) Measures concerning the movement of goods and the transfer of technical training, advice, services or assistance:

Paragraphs 6, 7, 8, 27, 29, 30, 31 and 39:

- The Government of Japan has banned any imports from the Democratic People's Republic of Korea since 14 October 2006 and any exports to the Democratic People's Republic of Korea since 18 June 2009, on the basis of the Foreign Exchange and Foreign Trade Act. These measures have prevented the supply, sale or transfer to the Democratic People's Republic of Korea or procurement from the Democratic People's Republic of Korea of any items, irrespective of their purpose or nature.

Paragraphs 5 and 17:

- The Government of Japan had already taken measures, on the basis of the Foreign Exchange and Foreign Trade Act, necessary to prevent any transfer to the Democratic People's Republic of Korea of technical training, advice, services or assistance related to nuclear-, ballistic missile- or other weapons of mass destruction-related items, materials, equipment, goods and technology. This measure applies to technical cooperation on launches using ballistic missile technology, even if characterized as a satellite launch or with a space launch vehicle.
- In March 2016, the Government of Japan formally requested universities and other research institutions in Japan to refrain from providing specialized teaching or training, as referred to in paragraph 17.
- No violation or negligence by Japanese organizations has been observed.

Paragraph 9:

- The Government of Japan bans the entry of any national of the Democratic People's Republic of Korea into Japan, irrespective of the purpose of entry.

(4) Restrictions on maritime and aircraft transport:

Paragraphs 18 and 28:

- Following the adoption of resolution 1874 (2009), the Government of Japan enacted the Act on Special Measures concerning Cargo Inspections etc. Conducted by the Government Taking into Consideration United Nations Security Council Resolutions 1874 etc. (Act No. 43 of 2010) to implement cargo inspections. The Government of Japan will continue to strictly implement cargo inspections on the basis of national legislation, including the aforementioned act, to ensure that no item is transferred in violation of the relevant resolutions.

Paragraphs 19 and 20:

- In March 2016, the Government of Japan formally requested relevant Japanese organizations to refrain from leasing or chartering vessels or aircraft or from providing crew services to the Democratic People's Republic of Korea.
- The Government of Japan also formally requested, in March 2016, relevant Japanese organizations to refrain from registering vessels in the Democratic People's Republic of Korea, obtaining authorization for a vessel to use the flag of the Democratic People's Republic of Korea, and from owning, leasing, operating or providing any vessel classification, certification or associated service.
- No violation or negligence by Japanese organizations has been observed.

Paragraph 21:

- The Government of Japan will deny permission to an aircraft to take off from, land in or overfly the Japanese territory, on the basis of the Civil Aeronautics Act (Act No. 231 of 1952) when it is suspected that such aircraft contains items whose supply, sale, transfer or export is prohibited by the relevant resolutions. The Government of Japan announced this policy on 5 April 2013, following the adoption of resolution 2094 (2013).

Paragraphs 22 and 23:

- The Government of Japan, on the basis of relevant national legislation, including the Act on Special Measures concerning Prohibition of Entry of Specified Ships into Ports (Act No. 125 of 2004), has prohibited the entry into Japanese ports of vessels specified in annex III to resolution 2270 (2016), as amended, and other vessels related to the Democratic People's Republic of Korea.

3. Recent measures taken autonomously by the Government of Japan against the Democratic People's Republic of Korea

The Government of Japan has taken autonomous measures against the Democratic People's Republic of Korea, as set out in the previous reports to the Security Council (S/AC.49/2009/7 and S/AC.49/2013/7). Following the recent violations by the Democratic People's Republic of Korea, including its nuclear test on 6 January 2016 and ballistic missile launch on 7 February 2016, which constitute direct and grave threats to Japan and seriously undermine the peace and security of the international community, the Government of Japan decided on 10 February 2016 to take the following additional measures towards the comprehensive resolution of outstanding issues of concern, such as the abductions, nuclear and missile issues:

(1) Measures concerning the movement of persons:

The Government of Japan:

(a) Bans the entry of nationals of the Democratic People's Republic of Korea to Japan;

(b) Bans the re-entry of officials of the authorities of the Democratic People's Republic of Korea residing in Japan who leave Japan for the Democratic People's Republic of Korea, and bans the re-entry of those who are in a position to assist the above-mentioned officials of the authorities of the Democratic People's Republic of Korea residing in Japan who leave Japan for the Democratic People's Republic of Korea (targets are expanded from before);

(c) Requests all Japanese nationals to refrain from visiting the Democratic People's Republic of Korea;

(d) Suspends visits by officials of the Government of Japan to the Democratic People's Republic of Korea;

(e) Bans the landing of crew members of vessels bearing the flag of the Democratic People's Republic of Korea;

(f) Bans the landing of foreign crew members sentenced for the violation of the trade and financial measures against the Democratic People's Republic of Korea and the re-entry of those foreign citizens residing in Japan, sentenced for the violation of the above-mentioned measures, who leave Japan for the Democratic People's Republic of Korea;

(g) Bans the re-entry of foreign experts on nuclear and missile technology residing in Japan who leave Japan for the Democratic People's Republic of Korea.

(2) Financial measures:

- The Government of Japan lowered the minimum amount that requires declaration to the relevant authorities when carrying means of payment to the Democratic People's Republic of Korea, from the equivalent of 1 million yen to 100,000 yen, and bans any payment to the Democratic People's Republic of Korea except when the amount of payment is less than 100,000 yen and for humanitarian purposes.

- The Government of Japan additionally designated ten individuals and one entity as subjects of an asset freeze.

(3) Measures concerning maritime transport:

- The Government of Japan bans the entry of all vessels bearing the flag of the Democratic People's Republic of Korea, including those for humanitarian purposes, and the entry of vessels bearing the flag of a third country that have previously called at ports in the Democratic People's Republic of Korea.

The table below sets out the implementation by Japan of certain measures with respect to the Democratic People's Republic of Korea imposed by the Security Council in its resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016). A fact sheet with additional information on the measures is available from https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/fact_sheet_updated_24_may_2016.pdf.

Optional checklist: measures contained in Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016) relevant to Member States' national implementation reports

Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:	*Yes/no*	*Indicate measures (in detail)*	*Additional information*	*Remarks*
1. Prevent the direct or indirect supply, sale or transfer to DPRK of: (Fact sheet, sections I-IV, X and XII)				
(a) All arms and related materiel?	Yes	See section 2 (3)		
(b) Nuclear, ballistic missile or other WMD-related items or technology?[a]	Yes	See section 2 (3)		
(c) Luxury goods?[a]	Yes	See section 2 (3)		
(d) Any item that could contribute to prohibited programmes or activities or the evasion of sanctions?	Yes	See section 2 (3)		
(e) Prohibited items for repair, servicing, refurbishing, testing, reverse-engineering and marketing, regardless of whether ownership or control is transferred?	Yes	See section 2 (3)		
(f) Aviation fuel, including aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel, unless the Committee approves, in advance, on an exceptional case-by-case basis, the transfer to DPRK of such products for verified essential humanitarian needs, subject to arrangements for effective monitoring of delivery and use?	Yes	See section 2 (3)		
These measures shall not apply with respect to the sale or supply of aviation fuel to civilian passenger aircraft outside DPRK exclusively for consumption during flight to DPRK and return flight.				
2. Prohibit the procurement from DPRK of: (Fact sheet, sections I-IV, XI and XII)				
(a) All arms and related materiel?	Yes	See section 2 (3)		
(b) Nuclear, ballistic missile or other WMD-related items or technology?	Yes	See section 2 (3)		
(c) Any item that could contribute to prohibited programmes or activities or the evasion of sanctions?	Yes	See section 2 (3)		
(d) Prohibited items for repair, servicing, refurbishing, testing, reverse-engineering and marketing, regardless of whether ownership or control is transferred?	Yes	See section 2 (3)		

Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:	*Yes/no*	*Indicate measures (in detail)*	*Additional information*	*Remarks*
(e) Coal, iron, iron ore, gold, titanium ore, vanadium ore and rare earth minerals? These measures shall not apply with respect to: (i) Coal that the procuring State confirms, on the basis of credible information, has originated outside DPRK and was transported through DPRK solely for export from the Port of Rajin (Rason), provided that the State notifies the Committee in advance, and such transactions are unrelated to generating revenue for the nuclear or ballistic missile programmes of DPRK or other activities prohibited by the resolutions; (ii) Coal, iron or iron ore transactions that are determined to be exclusively for livelihood purposes and unrelated to generating revenue for the nuclear or ballistic missile programmes or other activities prohibited by the resolutions.	Yes	See section 2 (3)		
3. Prevent the transfer to or from DPRK of financial transactions, technical training, advice, services (including brokering or other intermediary services) and assistance related to: **(Fact sheet, section IV)**				
(a) All arms and related materiel?	Yes	See S/AC.49/2009/7, annex, section 2 (2), and section 2 (1) of the present annex		
(b) Nuclear, ballistic missile or other WMD-related items or technology?	Yes	See section 2 (3)		
(c) Any item that could contribute to prohibited programmes or activities or the evasion of sanctions?	Yes	See S/AC.49/2009/7, annex, section 2 (2), and section 2 (3) of the present annex		
(d) Engagement in the hosting of trainers, advisers or other officials for the purpose of military, paramilitary or police-related training?	Yes	See section 2 (3)		

Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:	*Yes/no*	*Indicate measures (in detail)*	*Additional information*	*Remarks*
4. Prohibit the transfer of any items if a designated individual or entity[b] is the originator, intended recipient or facilitator of the item's transfer; in accordance with its national legal processes, freeze funds, other financial assets and economic resources owned or controlled by, and ensure that none are made available to benefit, designated individuals or entities, entities of the Government of DPRK or the Workers' Party of Korea, those acting on their behalf or at their direction and entities owned or controlled by them? (Fact sheet, sections III and VII)	Yes	See sections 2 (1) and 2 (3)		
5. Prevent the entry or transit of designated individuals, as well as their family members, and any individual working on behalf or at the direction of a designated individual or entity, or violating the sanctions or assisting in their evasion? The travel ban does not apply to designated individuals and entities when the Committee determines, on a case-by-case basis, that such travel is justified on the grounds of humanitarian need, including religious obligations, or the Committee concludes that an exemption would further the objectives of the resolutions. States can submit requests for exemptions from the travel ban for designated individuals and entities following the instructions set out in the Committee's guidelines. Such an individual shall be expelled for the purpose of repatriation to DPRK or to the individual's State of nationality, consistent with applicable national and international law, provided that these measures shall not impede the transit of the representative of the Government of DPRK to United Nations Headquarters or other United Nations facilities to conduct United Nations business. These measures shall not apply with respect to a particular individual if: (a) The presence of the individual is required for the fulfilment of judicial process; (b) The presence of the individual is required exclusively for medical, safety or other humanitarian purposes; (c) The Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of the resolutions. (Fact sheet, sections V and VIII)	Yes	See section 2 (2)		

Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:	*Yes/no*	*Indicate measures (in detail)*	*Additional information*	*Remarks*
6. Financial measures: (Fact sheet, section IX)				
(a) Prevent the provision of financial services, or the transfer of any financial or other assets or resources, including bulk cash and gold through cash and gold couriers, which could contribute to prohibited programmes or activities of DPRK, or to the evasion of sanctions, and exercise enhanced vigilance in this regard?	Yes	See S/AC.49/2013/7, annex, section 2 (1), and section 2 (1) of the present annex		
(b) Prohibit DPRK banks from opening and operating new branches, subsidiaries or representative offices; establishing new joint ventures; or taking an ownership interest in or establishing or maintaining correspondent relationships with banks within a State's jurisdiction or in its territory, unless such transactions have been approved by the Committee in advance?	Yes	See section 2 (1)		
(c) Prohibit financial institutions from opening representative offices or subsidiaries or banking accounts in DPRK?	Yes	See section 2 (1)		
(d) Prohibit States from having representative offices, subsidiaries or banking accounts in DPRK, if the State has credible information that provides reasonable grounds to believe that such financial services could contribute to the prohibited programmes or activities, unless the Committee determines on a case-by-case basis that such offices, subsidiaries or accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions in DPRK, pursuant to the Vienna Convention on Diplomatic Relations, or the activities of the United Nations, specialized agencies or related organizations, or for any other purposes consistent with the resolutions?	Yes	See section 2 (1)		
(e) Prohibit the provision of public or private financial support from within their territories or by persons or entities subject to their jurisdiction for trade with DPRK that could contribute to the nuclear or ballistic missile programmes of DPRK or other activities prohibited by the resolutions?	Yes	See section 2 (1)		
7. Prevent new commitments for grants, financial assistance or concessional loans to DPRK, except for humanitarian and developmental purposes, or the promotion of denuclearization? (Fact sheet, section IX (d))	Yes	See S/AC.49/2009/7, section 2 (4), and section 2 (1) of the present annex		

Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:	*Yes/no*	*Indicate measures (in detail)*	*Additional information*	*Remarks*
8. Inspect in the State's territory, including in its airports, seaports and free trade zones, the cargo to or from DPRK, or brokered or facilitated by DPRK or its nationals, or by individuals or entities acting on their behalf, or transported on DPRK-flagged vessels or aircraft? (Fact sheet, section XIII)	Yes	See section 2 (4)		
(a) Under certain conditions and with certain exceptions, inspect vessels on the high seas and prohibit the provision of bunkering services to DPRK vessels if the State has information that provides reasonable grounds to believe that their cargo contains prohibited items?	Yes	See S/AC.49/2009/7, annex, section 3 (1), and section 2 (4) of the present annex		
(b) Prohibit their nationals and those in their territories from leasing or chartering their flagged vessels or aircraft or providing crew services to DPRK? As called upon, deregister any vessel that is owned, operated or crewed by DPRK, and not to register any such vessel that is deregistered by another Member State? This measure shall not apply with respect to such leasing, chartering or provision of crew services notified to the Committee in advance on a case-by-case basis accompanied by: (i) information demonstrating that such activities are exclusively for livelihood purposes that will not be used by individuals or entities of DPRK to generate revenue; and (ii) information on measures taken to prevent such activities from contributing to violations of the resolutions.	Yes	See section 2 (4)		
(c) Prohibit their nationals, persons subject to their jurisdiction and entities incorporated in their territory or subject to their jurisdiction from registering vessels in DPRK, obtaining authorization for a vessel to use the flag of DPRK and owning, leasing, operating or providing any vessel classification, certification or associated service or insuring any vessel flagged by DPRK? This measure shall not apply to activities notified in advance to the Committee, following provision to the Committee of detailed information on the activities, including the names of individuals and entities involved in them, information demonstrating that such activities are exclusively for livelihood purposes that will not be used by DPRK individuals or entities to generate revenue, and information on measures taken to prevent such activities from contributing to violations of the resolutions.	Yes	See section 2 (4)		

Have concrete measures, procedures, legislation, regulations or policies been adopted in order to.	*Yes/no*	*Indicate measures (in detail)*	*Additional information*	*Remarks*
(d) Deny permission to any aircraft to take off from, land in or overfly the Member State's territory unless on the condition of landing for inspection, if the State has information that provides reasonable grounds to believe that the aircraft contains prohibited items, except in the case of an emergency landing?	Yes	See section 2 (4)		
(e) Prohibit the entry into its ports of any vessel if the State has information that provides reasonable grounds to believe the vessel is owned or controlled, directly or indirectly, by a designated individual or entity, or contains cargo the supply, sale, transfer or export of which is prohibited by the resolutions, unless entry is required in the case of emergency or in the case of return to its port of origin, for inspection or unless the Committee determines in advance that such entry is required for humanitarian purposes or any other purposes consistent with the objectives of resolution 2270 (2016)?	Yes	See section 2 (4)		
9. Under certain conditions, seize and dispose of prohibited items found during an inspection? (Fact sheet, section XIV)	Yes	See S/AC.49/2009/7, annex, section 3 (1), and section 2 (4) of the present annex		
10. Prevent the specialized teaching or training of DPRK nationals within their territories or by their nationals of disciplines that could contribute to the prohibited programmes or activities of DPRK? (Fact sheet, section VI)	Yes	See section 2 (3)		

Abbreviations: DPRK, the Democratic People's Republic of Korea; WMD, weapons of mass destruction.

[a] The lists of nuclear-, ballistic missile- and other WMD-related items, materials, equipment, goods and technology, as well as luxury goods, are available from the website of the Committee (www.un.org/sc/suborg/en/sanctions/1718/materials).

[b] The consolidated list of entities and individuals subject to assets freeze and/or travel ban is available from the website of the Committee (www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/1718.pdf).